

Notice of Allowability

Application No.

10/751,189

Examiner

Isis A. Ghali

Applicant(s)

MATLOUB ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/02/2007.
2. ☒ The allowed claim(s) is/are 1-7, 9, 16, 19, 20 and 22-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 07/12/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ISIS GHALI
PRIMARY EXAMINER

Is Ghali

The receipt is acknowledged of applicants' amendment filed 07/02/2007.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dennis Drehkoff on 07/12/2007.

The application has been amended as advised by the attached amendment that Mr. Drehkoff faxed to the examiner to follow according to the telephone conversation on July 12, 2007. The attached amendment including the changes made to the claims by the amendment filed 07/02/2007, as well as the amendment agreed to be done by "Examiner's Amendments" during the telephone conversation with Mr. Drehkoff on 07/12/2007.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: the closest prior art does not teach the present claims. The present claims 1 and 28 are directed to

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composite article for delivery of therapeutic agent to the skin and claim 22 is directed to method of use of the article. The article comprising flexible porous open cell foam polymer, polymer material enrobing and encapsulating the open cell foam polymer layer, and microchannels passing through the polymer open cell foam layer and the enrobing material wherein the microchannels are loaded with therapeutic agent, and wherein the therapeutic agent is delivered from the microchannels to the polymer open cell foam and to the polymer enrobing material for release to the skin, and also therapeutic agent is released from the microchannels to the skin. The closest cited prior art: the combination of US 2002/0128578, US 5,352,508 and US 6,183,770 does not teach or suggest the present invention. US '578 reference relates to a system comprises a sheet material having microchannels that permit directional flow of the liquid away from wound surface, not toward the surface of the skin for administration and treatment, and no therapeutic agent loaded in the microchannels to deliver active agent to the sheet material or directly to the skin, and further does not teach the enrobing material as presently claimed. US '508 teaches net material encapsulates absorbent layer as wound dressing and the net placed between the wound and an absorbent layer to prevent the absorbent layer from sticking to the wound and it is not loaded with any drugs to be delivered to the skin and does not teach microchannels passing through the polymer enrobing material and polymer open cell foam layer as instantly claimed, as set forth. US '770 reference does not disclose microchannels going through all the layers of the device for delivery of medicaments to the skin surface, US '770 only teaches apertured layer wherein the apertures contain active agents. None of

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the cited prior art teaches polymer enrobing material encapsulating a polymer open cell foam material with microchannels passing through both layers, and none of the prior art teaches loading the microchannels with therapeutic agent to be delivered to the skin. Therefore, the closest prior art does not teach or suggest the present composite article.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isis A. Ghali whose telephone number is (571) 272-0595. The examiner can normally be reached on Monday-Thursday, 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isis A Ghali
Primary Examiner
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